

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

Newman Peery

Patrick Ehlers

Case No.

Defendant(s)

FILED
 UNITED STATES DISTRICT COURT
 ALBUQUERQUE, NEW MEXICO

AUG 05 2016

MATTHEW J. DYKMAN
 CLERK

16mj 3110

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 4, 2016 in the county of Valencia in the
District of New Mexico, the defendant(s) violated:

Code Section

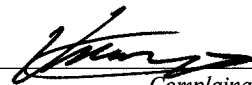
Offense Description

21 USC 841 (A)(1), (b)(1)(A)

Possession with intent to distribute 500 grams or more of a mixture or
 substance containing methamphetamine

This criminal complaint is based on these facts:

See Attached Affidavit of Task Force Officer Seth Chavez

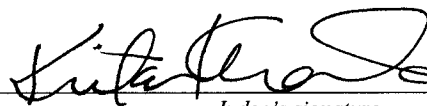
☒ Continued on the attached sheet.


Complainant's signature

Seth Chavez, Task Force Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 08/05/2016


Judge's signature

City and state: Albuquerque, New Mexico

Kirtan Khalsa, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT OF TASK FORCE OFFICER SETH CHAVEZ:

I, Seth Chavez, Task Force Officer (TFO), Drug Enforcement Administration (DEA), United States Department of Justice, being duly sworn, do depose and hereby state the following:

I am an "investigative or law enforcement officer" of the United States within the meaning of Title 18 U.S.C. § 2510(7), in that I am an officer of the United States empowered by law to conduct criminal investigations and make arrests for offenses enumerated in Title 18 U.S.C. § 2516. I have been employed by the DEA since January 2016. Prior to my TFO position with the DEA I have been employed by the Valencia County Sheriff's Office for approximately three years. I am empowered to investigate, to make arrests with or without a warrant and to execute search warrants under the authority of Title 21 U.S.C. § 878.

This affidavit is made in support of the issuance of a Criminal Complaint charging Newman PEERY and Patrick EHLERS with violation of Title 21 U.S.C. Section 841(a)(1) and (b)(1)(a), possession with the intent to distribute 500 grams or more of a mixture or substance containing methamphetamine, a schedule II controlled substance. Because this Affidavit is written for the limited purpose of setting forth probable cause for the requested criminal complaint, I have not included every fact known to me through this investigation. I have set forth those facts I deem necessary to establish probable cause of the above listed offense.

On August 4, 2016, Valencia County Sheriff's Office Deputy Benjamin Lankasky responded to a single vehicle roll over crash involving two male subjects on I- 25, mile marker 185. Deputy Lankasky made contact with the two males and identified them as Newman PEERY and Patrick EHLERS. After identifying PEERY and EHLERS, Deputy Lankasky also ran the vehicle's Arizona license plate AZR1852 through NCIC and found that the vehicle was reported stolen out of Arizona.

Through the course of Deputy Lankasky's investigation it was determined that PEERY and EHLERS were not chargeable for the stolen vehicle. As Deputy Lankasky was speaking with PEERY and EHLERS a third male identified as Paul McElory arrived on scene to provide a ride to the two subjects.

Once McElory arrived on scene Deputy Lankasky told PEERY and EHLERS to grab their own bags from the wrecked vehicle. PEERY proceeded to grab a black and blue backpack and a black roller bag. EHLERS proceeded to grab a black and blue roller bag. After PEERY and EHLERS grabbed their bags Deputy Lankasky advised them he needed to check the contents to ensure that there was nothing belonging to the vehicle owner. Deputy Lankasky first checked PEERY's backpack. While checking the backpack Deputy Lankasky discovered a small black soft case containing a glass smoking device with what Deputy Lankasky believed to be methamphetamine residue, a small plastic bag containing suspected marijuana, a small plastic bag containing unidentified white pills, a

small plastic bag containing a white crystal like substance, and what Deputy Lankasky believed to be a plastic spoon and straw. Based on Deputy Lankasky's findings PEERY was placed under arrest and secured in the rear portion of a marked patrol vehicle. Once PEERY was secured Deputy Lankasky finished checking the backpack with negative results. As Deputy Lankasky was dealing with PEERY, EHLERS was acting nervous and agitated.

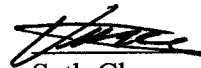
Due to EHLERS behavior Deputy Lankasky turned his attention to EHLERS's belongings. Deputy Lankasky began to check EHLERS roller bag at which point he discovered stuffed in between two pairs of pants a plastic bag containing a white powdery like substance and a white crystal like substance wrapped in a page of a magazine, which was believed to be methamphetamine. Based on Deputy Lankasky findings, EHLERS was also placed under arrest and secured in a marked patrol vehicle. After securing EHLERS, Deputy Lankasky continued to check EHLERS's roller bag at which point he discovered a silver gum wrapper containing two white unidentified pills. Once completed with EHLERS roller bag, Deputy Lankasky checked PEERY's roller bag. Upon checking PEERY's bag Deputy Lankasky discovered rolled up in a shirt a large duct taped package containing a white crystal like substance believed to be methamphetamine.

Based on Deputy Lankasky's findings he contacted his chain of command at which point Special Agent (SA) Erin Croft and Task Force Officer (TFO) Seth Chavez were contacted and requested assistance with Federal Prosecution. SA Erin Croft and GS Jeffery Armijo field tested both of the larger packages of the crystalline substance and obtained a presumptive positive result for the presence of methamphetamine. SA Croft and TFO Chavez weighed the duct taped package and obtained a weight of approximately 927.7 grams. The methamphetamine packaged in the magazine weighed approximately 55.9 grams

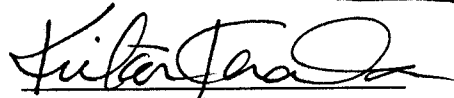
This Affidavit was reviewed and approved by Assistant United States Attorney Kimberly Brawley.

Based on the foregoing, I believe that probable cause exists that Newman PEERY and Patrick EHLERS on or about August 4, 2016, did unlawfully, knowingly, and intentionally possess with the intent to distribute 500 grams or more of a mixture or substance containing methamphetamine, a schedule II controlled substance contrary to Title 21 U.S.C. Section 841(A)(1) and (b)(1)(A).

Subscribed to and sworn before me this 5th day of August 2016 in Albuquerque, New Mexico.



Seth Chavez
Task Force Officer
Drug Enforcement Administration



Kirtan Khalsa
United States Magistrate Judge